

48A C.J.S. Judges § 213

Corpus Juris Secundum | August 2023 Update

Judges

Joseph Bassano, J.D.; Khara Singer-Mack, J.D.; Thomas Muskus, J.D.; Karl Oakes, J.D. and Jeffrey J. Shampo, J.D.

VII. Compensation and Fees

D. Pensions and Retirement Benefits

§ 213. Loss or forfeiture

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West's Key Number Digest

West's Key Number Digest, [Judges](#)  22(11)

Under specified conditions, a judge may forfeit a pension.

Under specified conditions, a retired judge may forfeit his or her pension¹ as where the judge resumes the practice of law.² In addition, a judge may forfeit retirement benefits by executing a knowing renunciation of such benefits.³

Judges removed from office for disciplinary reasons do not automatically forfeit their pension benefits by virtue of a state constitutional provision prohibiting compensation to judges removed for disciplinary reasons.⁴ A judge whose pension benefits are forfeited as a result of a felony conviction is entitled to a full refund of his or her contributions to a retirement fund.⁵ However, under some state laws, a retired state district judge who commits multiple felonies while presiding over four jury trials violates his oath of office and may forfeit his state retirement benefits pursuant to a statute providing for such a forfeiture.⁶

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Footnotes

- 1 Pa.—*Shiomos v. Com., State Employees' Retirement Bd.*, 533 Pa. 588, 626 A.2d 158 (1993).
Retired judge elected as mayor
Where a statute authorizing second class cities to provide pensions for police judges and an ordinance setting up the pension fund contained no provision against the pensioner being employed by the city in another capacity or being elected to city office, a retired police judge, who was elected to the office of mayor, at a salary which, with his pension, did not exceed the constitutional amount he might receive as a public servant, was not required to forego his pension while serving as mayor.
Ky.—*Maybury v. Coyne*, 312 S.W.2d 455 (Ky. 1958).
- 2 Md.—*Walker v. Montgomery County Council*, 244 Md. 98, 223 A.2d 181 (1966).
As to prohibition on practice of law by retired judges, generally, see § 102.
- 3 U.S.—*Johnson v. U.S.*, 122 Ct. Cl. 100, 104 F. Supp. 106 (1952).
- 4 Pa.—*Glancey v. Com., State Employees' Retirement Bd.*, 530 Pa. 481, 610 A.2d 15 (1992).
- 5 Ill.—*Shields v. Judges' Retirement System of Illinois*, 204 Ill. 2d 488, 274 Ill. Dec. 424, 791 N.E.2d 516 (2003).
- 6 Okla.—*Thompson v. State ex rel. Bd. of Trustees of Oklahoma Public Employees Retirement System*, 2011 OK 89, 264 P.3d 1251 (Okla. 2011).

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